

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

MARYLAND SHALL ISSUE, INC., <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Civil Action No. 21-cv-1736-TDC
)	
MONTGOMERY COUNTY, MD.,)	
)	
<i>Defendant.</i>)	

**CONSENT MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFFS’
EMERGENCY MOTION FOR A RULE 8 INJUNCTION PENDING APPEAL**

Defendant Montgomery County, Maryland (the “County”), by and through their undersigned counsel, and with the consent of Plaintiffs, Maryland Shall Issue, Inc, *et al.*, file this motion to extend time to respond to Plaintiffs’ Emergency Motion for a Rule 8 Injunction Pending Appeal (“Emergency Motion”) by three business days, or until September 11, 2023, and in support thereof states as follows:

1. Plaintiffs filed the Emergency Motion on Wednesday, August 30, 2023.
2. Pursuant to the Court’s Order (ECF 92), the County’s Opposition is currently due within seven days of the filing of the Emergency Motion, or by Wednesday, September 6.
3. This litigation is now active in three courts (1) this Court; (2) the Circuit Court for Montgomery County, Maryland; and (3) the United States Court of Appeals for the Fourth Circuit. The County has briefs due in all three courts within the next 19 days, including the response to the Emergency Motion in this Court, an appellee brief in the Court of Appeals and a reply/opposition on cross-motions for summary judgment in Circuit Court (due today September 1, 2023).
4. Monday, September 4, 2023 is Labor Day and the County government, including

the Office of the County Attorney, will be closed. Members of undersigned defense counsel have pre-existing family travel plans over the Labor Day weekend.

5. Given the complexity of the issues, the amount of ongoing activity in three courts and to allow sufficient and necessary time to respond to the Emergency Motion, the County respectfully requests a brief extension of three business days, or until Monday, September 11, 2023, to respond to the Emergency Motion.

6. Plaintiffs consent to the extension of time.

7. No party will be prejudiced by the extension of time and this motion is made to avoid any prejudice that would result to the County.

WHEREFORE, the County respectfully requests that this Court enter an order extending its time to respond to the Emergency Motion until Monday, September 11, 2023.

Respectfully submitted,

JOHN P. MARKOV
COUNTY ATTORNEY

/s/ Patricia Lisehora Kane
Patricia Lisehora Kane, Chief
Division of Litigation
patricia.kane@montgomerycountymd.gov
Bar No. 13621

/s/ Edward B. Lattner
Edward B. Lattner, Chief
Division of Government Operations
edward.lattner@montgomerycountymd.gov
Bar No. 03871

/s/ Erin B. Ashbarry
Erin B. Ashbarry
Assistant County Attorney
erin.ashbarry@montgomerycountymd.gov
Bar No. 26298

/s/ Matthew H. Johnson

Matthew H. Johnson

Assistant County Attorney

Bar No. 17678

matthew.johnson3@montgomerycountymd.gov

Attorneys for Defendant

101 Monroe Street, Third Floor

Rockville, Maryland 20850-2540

240-777-6700

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of September 2023, a copy of the foregoing was electronically served through ECF to:

Mark W. Pennak

Maryland Shall Issue, Inc.

9613 Harford Rd., Ste. C #1015

Baltimore, MD 21234-21502

mpennak@marylandshallissue.org

/s/ Edward B. Lattner

Edward B. Lattner, Chief

Division of Government Operations